

**Federal Railroad Administration, DOT**

**§ 221.3**

Section <sup>2</sup>	Violation	Willful violation
220.35 Ending a transmission .....	1,000	2,000
220.37 Voice test .....	5,000	7,500
220.39 Continuous monitoring .....	2,500	5,000
220.41 [Reserved] .....		
220.43 Communication consistent with the rules .....	2,500	5,000
220.45 Complete communications .....	2,500	5,000
220.47 Emergencies .....	2,500	5,000
220.49 Switching, backing or pushing .....	5,000	7,500
220.51 Signal indications .....	5,000	7,500
220.61 Radio transmission of mandatory directives .....	5,000	7,500
<b>Subpart C—Electronic Devices</b>		
220.302 Operating rules .....	9,500	17,000
220.303 General; interfering with safety-related duties .....	9,500	17,000
220.305 Personal electronic device turned on while prohibited	5,500	10,000
(a)–(c) Personal device in use while prohibited .....	9,500	17,000
220.307 Railroad-supplied device turned on while prohibited	5,500	10,000
(a) Use not authorized by railroad in writing .....	9,500	17,000
(b)–(d) Railroad-supplied devices in use while prohibited .....	9,500	17,000
220.311 Railroad operating employees in deadhead status:		
(a) .....	9,500	17,000
(b) Devices turned on while prohibited; or .....	5,500	10,000
device in use while prohibited .....	9,500	17,000
220.313 Program of instruction:		
(a)–(d) .....	9,500	17,000
220.315 Operational tests and inspections:		
(a)–(b) .....	9,500	17,000

<sup>1</sup> A penalty may be assessed against and only for a willful violation. The Administrator reserves the right to assess a penalty of up to \$105,000 for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

<sup>2</sup> The penalty schedule uses section numbers from 49 CFR part 220. If more than one item is listed as a type of violation of a given section, each item is also designated by a “penalty code,” which is used to facilitate assessment of civil penalties, and which may or may not correspond to any subsection designation(s). For convenience, penalty citations will cite the CFR section and the penalty code, if any. FRA reserves the right, should litigation become necessary, to substitute in its complaint the CFR citation in place of the combined CFR and penalty code citation, should they differ.

[63 FR 47195, Sept. 4, 1998, as amended at 69 FR 30593, May 28, 2004; 73 FR 79702, Dec. 30, 2008; 75 FR 59604, Sept. 27, 2010; 77 FR 24420, Apr. 24, 2012]

**PART 221—REAR END MARKING  
DEVICE—PASSENGER, COM-  
MUTER AND FREIGHT TRAINS**

**AUTHORITY:** 49 U.S.C. 20103, 20107; 28 U.S.C. 2461, note; and 49 CFR 1.49.

**SOURCE:** 42 FR 2321, Jan. 11, 1977, unless otherwise noted.

**Subpart A—General**

- Sec.  
221.1 Scope.  
221.3 Application.  
221.5 Definitions.  
221.7 Civil penalty  
221.9 Waivers.  
221.11 State regulation.

**Subpart B—Marking Devices**

- 221.13 Marking device display.  
221.14 Marking devices.  
221.15 Marking device inspection.  
221.16 Inspection procedure.  
221.17 Movement of defective equipment.

APPENDIX A TO PART 221—PROCEDURES FOR  
APPROVAL OF REAR END MARKING DE-  
VICES

APPENDIX B TO PART 221—APPROVED REAR  
END MARKING DEVICES

APPENDIX C TO PART 221—SCHEDULE OF CIVIL  
PENALTIES

**Subpart A—General**

**§ 221.1 Scope.**

This part prescribes minimum requirements governing highly visible marking devices for the trailing end of the rear car of all passenger, commuter and freight trains. So long as these minimum requirements are met, railroads may adopt additional or more stringent requirements for rear end marking devices.

**§ 221.3 Application.**

- (a) Except as provided in paragraph (b) of this section, this part applies to passenger, commuter and freight trains when operated on a standard gage main track which is part of the general railroad system of transportation.

- (b) This part does not apply to: